

**HAMPTON BOARD OF SELECTMEN  
SELECTMEN'S MEETING ROOM  
December 5, 2005 – 7:00 PM**

**PRESENT:** Jim Workman, Chairman  
Cliff Pratt, Vice-Chairman  
Rick Griffin  
Ben Moore  
Virginia Bridle-Russell  
James S. Barrington, Town Manager  
Maureen Duffy, Administrative Assistant

**REGRETS:**

**Chairman Jim Workman called the meeting to order at 7:00 pm and introduced those in attendance.**

**SALUTE TO THE FLAG –** Bob Estey led the audience in the salute to the flag.

**I. ANNOUNCEMENTS AND COMMUNITY CALENDAR**

Rick Griffin commented on the success of the Christmas Parade last Saturday. He thanked the Recreation, Fire and Police Departments for their contributions to the event.

Mr. Pratt announced that the First Congregational Church will be hosting the Seacoast Chorale (newly named - Hampton Community Chorale) for a Holiday Concert on December 17 at 3pm.

Mr. Workman congratulated Skip and Debbie Windemiller of the DW's Oceanside Inn on the Innkeeper of the Year Award by the New Hampshire Lodging and Restaurant Association.

**II. APPOINTMENTS**

**1 – NORMAN SILBERDICK – TIDE MILL ROAD**

Norman Silberdick addressed the Board of Selectmen. Instead of discussing the same issues that have been previously debated in past years, Mr. Silberdick asked what it would take to have the support of the Board of Selectmen to open Hardardt's Way to allow traffic to pass through to the industrial area on Tide Mill Road. Mr. Workman said that the last warrant article regarding the reopening of the roadway, failed. Mr. Barrington said that the land for the road was acquired by means of Eminent Domain and that the land was to be used by citizens to access the transfer station and not for economic development.

Mr. Silberdick feels that in the past the Board of Selectmen did not support Hardardt's Way opening and that it influenced voter decisions. Therefore, he would like to know the Board's position on the road before preparing another logical presentation.

After much discussion the consensus of the Board of Selectmen was that they would provide no recommendations on a petitioned article for this purpose. Mr. Silberdick and other members of the community are welcome to submit a warrant article in regards to the reopening of Hardardt's Way to Tide Mill Road. The article will enable Hampton Residents to decide the fate of the road.

## **2 – BOB ESTEY – ASSESSING ISSUES**

Town Assessor Bob Estey presented the Current Use Application for Map 95 Lot 3A – 183 Woodland Road. The application requested adding 3.59 acres to the lot which now totals 24.01 acres in current use. Mr. Estey recommended that the Board of Selectmen sign the document.

**Mr. Pratt MOTIONED** to certify that the 3.59 additional acres for Map 95 Lot 3A totaling 24.01 acres qualifies for assessment under the New Hampshire Statutes and the Code of Administrative Rules, and that all requirements will continue to be performed for current use. **Mr. Griffin SECONDED.**

**VOTE: UNANIMOUS FOR**

Mr. Estey presented the 2005 equalization Municipal Assessment Data Sheet Certificate and requested the certificate be signed by the Board of Selectmen.

**Mr. Pratt MOTIONED** to certify that the assessment and sales information provided by the Town of Hampton on the Municipal Assessment Data Sheets has been thoroughly reviewed by this Board and is complete and accurate to the best of the Board's knowledge. **Mr. Griffin SECONDED.**

### **Discussion:**

The Board understands that the information will be used by the New Hampshire Department of Revenue Administration to calculate the municipality's equalization ratio. The equalization ratio will be used to calculate the total equalized valuation for the municipality. The unofficial mean ratio is 76.3%, the median ratio is 76.8% and the weighted mean ratio is 75.9%. Therefore, the current average level of assessment is 77%. According to Town Assessor Mr. Estey the Town property has increased in value by 10%. He discussed the real estate market with local realtors who have told him that inventory is collecting and there are many very expensive properties on the market.

**VOTE: UNANIMOUS FOR**

Mr. Estey mentioned that he is satisfied with the four year employment contract that was presented at the meeting prior to the Selectmen's meeting.

**Mr. Pratt MOTIONED** to accept the Town Assessors four year contract for employment. **Mr. Griffin SECONDED.**

**VOTE: UNANIMOUS FOR**

### **III. OLD BUSINESS**

#### **1. TOWN MANAGER'S REPORT**

Mr. Barrington spoke with Ram Maddali, of New Hampshire Department of Transportation (NHDOT), on Wednesday, November 23 about the proposal for widening the roadway on Exeter Road to safely accommodate bicycle traffic. He mentioned that NHDOT suggested that if the Town wishes to change the scope of the project by doing the west side instead of the east end the Town needs to send him a letter that he can present to the DOT committee that will be reviewing such requests on January 11, 2006. Mr. Barrington had further discussions with Cliff Sinnott and Doug Mellin about the budget and specific scope of this project. A memo from Doug Mellin was included in the Board of Selectmen's packets with the latest numbers on this project.

Building Inspector Kevin Schultz has been taking care of shutting down the old courthouse building. Water pipes have been drained and utilities have been disconnected, and meters are being removed this week.

The test pits at the Church Street Parking Lot unearthed no trash and indicated that the soils may be desirable for building construction.

Mr. Barrington made a correction on the statements he made at the November 21 meeting about the charges for sewer connections at the beach. Public Works Director John Hangen reported that when buildings have sewer connections already properly located in the street, Zoppo makes the reconnection to the new sewer main at no charge to the resident / business. It is only when the lines are coming around from an entirely new location that it is necessary for the private property owner to pay a plumber to do the work on their property.

SAU 21 Superintendent Jim Gaylord and Mr. Barrington met with Steve Pernaw on Monday, November 28 to discuss specifics of the traffic study for Winnacunnet Road. He anticipates having the counts done before Christmas and understands that we are looking for his report in time to put an article on the 2006 Town Warrant.

Both Town Clerk Arleen Andreozzi and Attorney Gearreald have looked into the question of linking auto registrations with dog licensing. Neither found any authority in the law to make any such connection. Since New Hampshire is governed by Dillon's Rule, it is Attorney Gearreald's opinion that implementing such a policy would invite a suit that would have a low likelihood of success on the Town's defense. Arleen is tentatively scheduled for next week's meeting and she will be providing an update regarding dog licenses.

Mr. Barrington received a couple of questions about the status of the petition from citizens of Windmill Lane a few weeks ago regarding the No Parking ordinance on that street. Mr. Barrington asked if the Board wishes to take action in regard to that request.

With the recent discussions about Channel 22, Mr. Barrington asked the Board if they are interested in looking at the costs of hiring a full-time (or part-time) person to manage the operations of Channel 22. He mentioned that he had not made an article on it.

Proposals for Municipal Solid Waste collection were opened last Tuesday. There were two responses and the lowest bidder saves the Town approximately \$109,000 over last year's cost to the Town. The other response is at a cost higher than the Town's cost. John Hangen and Mr. Barrington will be interviewing the two firms next week and will present complete information to the Board at the December 12 meeting.

The Transfer Station reopened to the public this past weekend from 8am to 1pm on both Saturday and Sunday. Mr. Barrington enclosed a memo from Public Works Director John Hangen listing four possible options for 2006. All of the options listed cost more than \$36,072 that is included in the budget proposal currently before the Budget Committee. As noted at the last Selectmen's meeting, unless voters approve extra funding, this will mean that other items will not be funded.

Representatives from Public Service New Hampshire (PSNH) came by last Thursday to discuss a proposal for an expansion of their substation on Timber Swamp Road. They will be appearing before both the Zoning and Planning Boards in the near future. Some additional information is available in the mail room, including photos and maps. It was indicated that the expansion should add approximately \$10 million to Hampton's tax base.

Mr. Barrington instructed Fire Chief Lipe to bid out the next replacement ambulance. As discussed earlier this year, it is our intention to purchase the next replacement ambulance in our rotation using 2005 appropriations from the EMS Special Revenue Fund.

Mr. Barrington had a construction meeting with Zoppo last week and discussed the progress of the construction projects. He was assured that they will have paving on the remaining areas on and off King's Highway for the winter. Shortly after Christmas, they expect to reroute traffic on Ocean Boulevard just south of Boar's Head through the center parking lot areas down past Church Street. This will enable them to work on the sewer line extension from Boar's Head down Church Street. During that time, parking will be prohibited on Highland Avenue, as it will be two-way to allow traffic from 101 onto and off of the beach area. An issue of some concern at the main beach area is that they propose to do work on the streets west of Ashworth during the summer of 2006. They say that this will be needed in order to finish by the fall. Mr. Barrington told them that he needed to discuss the issue with the Board.

The Heritage Commission has applied for a grant for \$400, to be matched by \$100 of Town funds, to provide a review of the former District courthouse and provide some suggestions / ideas on what could be done with the building in the form of restoration. The Commission has assured Mr. Barrington that the fund will not obligate the Town to anything relative to the building, but will provide future options to consider.

Mr. Barrington announced that the annual Town employee Christmas party will be held from noon to 1:30pm on Tuesday, December 20. The office will be closed during that time. Selectmen are invited to attend the pot luck lunch and Yankee Swap (\$5-\$10 gift). In addition donations are welcome to the Town's food pantry

### **Selectmen's Response to the Manager's Report**

Mr. Moore mentioned that he supports the idea of hiring a part-time person to manage Channel 22. In addition he suggested that money to pay for this person could come from the special Channel 22 revenue fund.

Aquarion is scheduled to put a new water main in along Highland Avenue in the spring time. Once Church Street is reopened the construction will begin along Highland Avenue. The construction is scheduled to be complete by the Memorial Day long weekend. Mr. Moore would like to see a plan in regards to how many streets will be disrupted when the construction along Ashworth begins.

Mr. Moore asked when the Town will know how much it will cost to remove asbestos from the former District Court House and Town Hall.

Mr. Griffin is concerned about the hours of operation for the transfer station and believes that the current weekend hours (8am to 1pm) are too early for most Hampton residents. Mrs. Bridle-Russell said that the hours should be convenient to the public and that 9am to 1pm or 10am to 3pm would be more suitable.

**Mr. Griffin MOTIONED** to have the transfer station hours of operation changed to 9am to 2pm. **Mrs. Bridle-Russell SECONDED.**

**Discussion:**

Chairman Workman stated that there is a need for consistency. The Board has addressed the need for more hours and believes that the current hours are suitable.

**VOTE: 2 FOR  
3 OPPOSED (Workman, Pratt & Moore)  
MOTION DEFEATED**

Mr. Pratt said that if the Church Street location is being considered as a potential location for the future fire station then the cost of traffic lights needs to be calculated into the cost of the station. Mr. Pratt said that he would like to see a more in-depth investigation in regards to connecting dog licenses and car registration together. Town Clerk Arleen Andreozzi will be attending the Selectmen's meeting next week and the Board would like to see some solid research in regards to the idea. Other towns in New Hampshire have done it therefore, it should be possible.

Mr. Pratt mentioned that no-parking signs were originally posted along Windmill Lane because High School students were parking there. He said that if the no-parking signs were removed then the issue of people parking along the street may initiate the original parking problem.

Mr. Pratt mentioned that he was concerned about Zoppo construction projects during the summer months. Mr. Pratt questioned why the May 30<sup>th</sup> completion date was in the proposal but not in the contract. Mr. Barrington said that it was not included in the contract and that finishing the project by May 30<sup>th</sup> will increase the cost of the project. Mr. Pratt would like to see a cost analysis before the Board considers construction during the summer months. Mr. Barrington said that the May 30<sup>th</sup> completion date was included in the proposal and it was one of the reasons why Zoppo was chosen for the project. Now Zoppo is seeking more money in order for the job to be completed by May 30<sup>th</sup>.

## **2 – BUILDING USE POLICY REVIEW**

A memo from Town Attorney Gearreald includes an update in regards to what he included in the Building Use Policy developed in April, 2004. Town Buildings are not public fora and their use is to be restricted to the conduct of governmental business and related activities. No meetings shall conflict with orderly Town Business and any meeting occurring outside of business hours must be approved by the Town Manager. In

addition no meeting shall involve the advocacy of a partisan political position or a candidate for any elected office (candidates' night for elected Town offices excepted).

Chairman Workman stated that there are two separate policy issues that need to be considered; Channel 22 and Building Use.

Mr. Moore noted that Attorney Gearreald had addressed security issues in the memo and that it could potentially pose problems.

Mr. Griffin stressed the importance of making Channel 22 accessible, supportive and beneficial to all citizens and political parties.

Mr. Barrington mentioned that in the past local churches and schools have taped their event and have brought it to the Town to be aired on Channel 22. He suggested that perhaps political parties could do the same.

Mr. Pratt suggested that a working committee be formed to deal with broadcasting issues which would include, Mr. Patton from the Democratic Party, a member from the Channel 22 committee, a member of the Republican Party, Town Attorney Gearreald, and Attorney Bouchard, Selectmen Griffin, and an invitation will be extended to all other political parties. The committee will be responsible for presenting their findings to the Board of Selectmen and provide a recommendation to the Board of Selectmen by January 1, 2006.

Pete McKinnon (representative from Channel 22) suggested that a political public forum could be held at the Winnacunnet High School. This may be an appropriate location as Channel 22 has live broadcast capabilities from the school auditorium and it would be good location for the community. In addition Mr. McKinnon said that he is in support of hiring a part-time / full-time cable person to manage Channel 22.

Mr. Barrington will contact Winnacunnet High School to find out if the school is interested in hosting candidates' night.

## **OLD BUSINESS – CONTINUED**

Mrs. Bridle-Russell mentioned that she was concerned about the number of children running onto the road to pickup candy being thrown by Christmas Parade floats. In addition, to the safety concern she mentioned that it also causes additional expense to the Town since someone needs to clean up the mess. Mrs. Bridle-Russell said that two years ago she requested lights on the hay ride to resolve some of the safety issues. Instead of a light there was a police car following the hay ride. Mrs. Bridle-Russell said she was concerned about the expense to the Town of having police escorting the hay ride. Mrs. Bridle-Russell questioned who made the decision.

Mr. Griffin said that the event cost approximately \$1,030 and would like to know how much it cost to have the police escorting the wagon for the hay ride.

Mr. Griffin inquired about King's Highway. Mr. Barrington said that there is still some work to be done. The roadway will be travelable this winter and the project will need to be completed next spring.

Mr. Griffin also asked about parking along Cole Street which is a private road during the winter parking ban. Mr. Barrington said that this is an issue that arises every year and that he will need to consult with department heads to determine the best resolution.

Mr. Workman suggested that a non-public meeting be scheduled for union negotiations. Mr. Workman was asking because there has been a change of affiliation with the union negotiator. Mr. Barrington said that he has been guaranteed the same rate as before.

Mr. Griffin said that Hampton youth may write letters to Santa. With the assistance of the Hampton Recreation Department and the Hampton Postal Service, Santa will begin writing letters on November 28. The final date to send letters to Santa is December 21. Letters may be dropped off at the post office or Hampton Recreation Department.

#### **IV. NEW BUSINESS**

##### **1. DISCUSSION OF POSSIBLE 2006 WARRANT ARTICLES**

Mr. Barrington developed a list of warrant articles for the Board to consider. At this stage it is just a philosophical discussion of what the Board would like to put forward. There is also a separate memo from Mr. Hangen that he sees necessary.

The Budget Committee is meeting tomorrow at 7pm to finalize their budget.

**Article 9 – “....raise and appropriate \$350,000 to be added to the Road Improvement Capital Reserve Fund...”** The Road Capital Reserve fund was originally intended to fund major road projects. Mr. Barrington said that the Town has been using this money to fund various road projects around town.

**Board Decision** – put article forward to voters

**Article 11 – will be reviewed by the Board at a future meeting with revised dollar figures**

**Article 12 – “...raise and appropriate \$1 to add to the Conservation Commission’s Land Fund**

**Board Decision...**” – leave as a petition

**Article 13 – “...raise and appropriate \$150,000 for the purpose of constructing, replacing and/or upgrading sewer mains...”**

Public Works Director John Hangen has developed a list of items that need to be upgraded or replaced. Mr. Barrington said that he feels that the ventilation issue at the waste water treatment plant lab is major concern and feels that it is a major priority.

**Board Decision** – General Public Works – will review again at a later date

**Article 14 – “....raise and appropriate the sum of \$125,000 to rebuild the tennis and basketball courts at Tuck Field...”**

The courts have deteriorated to the point where it is unsafe to allow people to play on them. It is a very expensive process to repair the courts. Mrs. Bridle-Russell inquired if there is a grant or in-kind contributions that could be used to help cover the costs.

**Board Decision** – put article forward to voters



**Article 16 – “....raise and appropriate \$80,000 for engineering and related professional services to design and prepare design documents and cost estimates for the connection and extension of sewer along Towle Farm Road....”**

**Board Decision –** put article forward to voters

**Article 17 – “....raise and appropriate \$30,000 to make repairs to the Lane Memorial Library...”**

**Board Decision –** wait for dollar figures – will review again at a later date

**Article 20 – “.....to support the Children’s Christmas Parade.....”**

**Board Decision –** put article forward to voters – Mr. Barrington will rewrite the article

**Articles 22, 25, 26, 27, 28 - Special Revenue Funds**

**Board Decision –** put article forward to voters - Article 26 – need to write article to rescind it

**Article #24 –** list of streets required from Public Works Director

**Article #29 –** appropriating to trust fund – standard article

**Article #30 –** studying acquiring Aquarion water Company

**Board Decision –** remove

**Article #32 – “....authorize the Board of Selectmen to exchange Ashworth Avenue for Ocean Boulevard with the State of New Hampshire....”**

In the past there was no formal written documentation from the State. Many people did not know the details about the deal.

**Board Decision –** remove

**Article #33 – “....adopt the provisions of NH RSA Chapter 149-I pertaining to sewers....”**

**Board Decision –** remove

**Article #35 – New trash regulation ordinance**

**Board Decision –** remove

**Article A - Fire substation –** Mr. Barrington said that Chief Lipe is comfortable with the \$4.9 million incorporated in the article.

**Board Decision –** put article forward to voters

**Article B – gross parking lot funds allocated to the Hampton Beach Village District**

**Board Decision –** put article forward to voters

**Article C – pave and re-stripe the municipally owned parking lots...”**

**Board Decision –** put article forward to voters

**Article D – “....Police Department Mounted Patrol Unit...”**

Mr. Barrington mentioned that officer wages are budgeted. Police officers riding horses on their regular shift is paid the same as if they were driving a police vehicle.

**Board Decision –** put article forward to voters



**Article E – “....purchase of an aerial ladder truck for the Hampton Fire Department...”**

**Board Decision** – put article forward to voters as a five year lease purchase

**Article F – “....approve the closure of the spur off of Park Avenue onto Winnacunnet Road....”**

**Board Decision** – put article forward to voters

**Article G – “....to keep the fire rescue boat....”**

**Board Decision** – put article forward to voters stated in the affirmative

**Article H – “....to support continuation of the School Resource Officer Program....”**

**Board Decision** – put article forward to voters

## **2. 2006 REVENUE PROJECTIONS**

Mr. Barrington reported that the 2006 Revenue Projections are tentative at this point (revenues are adopted in October at the time of tax rate setting). It does need to go through for the public. Mr. Moore suggested that perhaps fees for various services should be adjusted or implemented (i.e. residence parking stickers). A public vote would be required to change fee policies.

**Mrs. Bridle-Russell MOTIONED** to accept the 2006 Revenue Projections. **Mr. Griffin SECONDED.**

**VOTE: UNANIMOUS**

## **3. COURTHOUSE GRANT**

Elizabeth Aykroyd submitted a letter to the Board of Selectmen. The letter is to inform the Town that the Heritage Commission has applied for a Preservation Project Development Grant through the New Hampshire Preservation Alliance. This grant is in the amount of \$500, \$100 of which the Commission will sponsor. The Project Development Grant provides funding for specialized assistance from a preservation professional, who will provide their expertise in regards to adaptive reuse of the Hampton District Courthouse. The advice will enable the Town to make a sound decision about the future of the building. The grant will also enable the Town to consider broader aspects of the development of the Town center. The Heritage Commission has assured the Board that there is no future obligation to the Town. The consensus of the Board of Selectmen was to support the Courthouse Grant.

## **4. 2005 ENCUMBRANCES**

There is only one encumbrance this year. It was Article 17 from the 2005 Warrant. The Lane Memorial Library is seeking \$30,000 worth of repairs. Mrs. Bridle-Russell said that she would like to see the library develop a new article for Board consideration. The Board would like to discuss the encumbrance with Library personnel before a decision is made.

## **5. CONSIDER CONSERVATION EASEMENT AT 389 HIGH STREET**

Attorney Gearreald mentioned that the development at 389 High Street went through the planning process with the Town's Planning Board. The development started out as an eight unit condominium and then was proposed as seven units. When the Planning Board turned down the building proposal there was a Superior

Court case filed. As a result there was a mediation process where the developer came back with a six unit proposal. Throughout the entire process the conservation easement would be one of the conditions. The Town has an executory interest in the project. In addition to the project there is a parcel of land that is owned by the Town and it is considered an easement. This will be discussed at a later date to determine if it makes sense to have the County of Rockingham Conservation oversee the property. The Conservation Commission has approved the building and by statute RSA 36-A: 4 the Board of Selectmen are required to accept the approval. The parcel of land is approximately 4.1 acres which consists mainly of wetlands.

**Mr. Pratt MOTIONED** to accept the Conservation Easement at 389 High Street. **Mrs. Bridle-Russell SECONDED.**

**VOTE: UNANIMOUS**

#### **V. MINUTES – NOVEMBER 21, 2005**

**Mrs. Bridle-Russell MOTIONED** to accept the minutes as presented **Mr. Pratt SECONDED.**

**VOTE: 3 FOR**

**(Moore and Griffin – abstained - out of room during time of vote)**

#### **VI - CONSENT AGENDA**

1. Pole Permit
2. Elderly & Disabled Tax Deferral

**Mrs. Bridle-Russell MOTIONED** to accept the consent agenda which included: Pole Permit and Elderly & Disabled Tax Deferral. **Mr. Pratt SECONDED.**

**VOTE: 4 FOR**

**(Griffin – abstained - out of room during time of vote)**

#### **VII - PUBLIC COMMENT**

William H. Sullivan addressed the Board. He came to tonight's meeting to provide clarification in regards to the Fire Department information that was discussed a few weeks ago during the televised Budget Committee. Mr. Sullivan said that he wanted to provide factual information to the Board and the citizens of Hampton. He mentioned that the neighboring town of Exeter only has one fire station and two Deputy Chiefs. The Town of Hampton has two stations and only one Deputy Chief. In addition to his comments he mentioned that he would like to see commercial traffic on Hardardt's Way.

#### **VIII. ADJOURNMENT**

**Mr. Moore MOTIONED** to adjourn the meeting at 10:26 PM. **Mrs. Bridle-Russell SECONDED.**

**VOTE: UNANIMOUS FOR**

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Chairman